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District of Nevada

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Attorneys for Defendant

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

GERRY DAVIS,

Plaintiff,

V.

ANDREW SAUL,
Commissioner of Social Security,

Defendant.

Case No.: 3:19-cv-00363-CLB

**STIPULATION TO VOLUNTARY
REMAND PURSUANT TO SENTENCE
FOUR OF 42 U.S.C. § 405(g) AND TO
ENTRY OF JUDGMENT FOR
PLAINTIFF**

IT IS HEREBY STIPULATED by and between the parties, through their undersigned attorneys, and with the approval of the Court, that this action be remanded for further administrative action pursuant to the Social Security Act § 205(g), as amended, 42 U.S.C. § 405(g), sentence four.

On remand, the Appeals Council will remand the case to a new administrative law judge (ALJ) for a new decision. The Appeals Council will instruct the ALJ to do the following: re-evaluate medical source opinions and explain the weight given to opinion evidence; either incorporate the limitations assessed by consultative examiner Robert Tang, M.D., into Plaintiff's residual functional capacity, or give appropriate reasons supported by substantial evidence to reject them; re-evaluate

1 Plaintiff's subjective complaints; and obtain supplemental vocational expert evidence, as necessary.
2 The ALJ will further be instructed to offer Plaintiff the opportunity for a hearing, take any further
3 action needed to complete the administrative record, and issue a new decision.

4 The parties further request that the Clerk of the Court be directed to enter a final judgment in
5 favor of Plaintiff, and against Defendant, reversing the final decision of the Commissioner.

6
7 Dated: September 10, 2020

Respectfully submitted,

8 OLINSKY LAW GROUP

9 /s/ Melissa A. Palmer

10 MELISSA A. PALMER

(*as authorized via email on September 10, 2020)

11 Attorney for Plaintiff

12 Dated: September 10, 2020

Respectfully submitted,

13 NICHOLAS A. TRUTANICH

14 United States Attorney

15 /s/ Allison J. Cheung

16 ALLISON J. CHEUNG

Special Assistant United States Attorney

17 Attorneys for Defendant

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19
20 IT IS SO ORDERED:

21 
22 HON. CARLA L. BALDWIN

23 UNITED STATES MAGISTRATE JUDGE

24 DATED: September 10, 2020

CERTIFICATE OF SERVICE

I, Allison J. Cheung, certify that the following individual(s) were served with a copy of the foregoing **STIPULATION TO VOLUNTARY REMAND PURSUANT TO SENTENCE FOUR OF 42 U.S.C. § 405(g) AND TO ENTRY OF JUDGMENT FOR PLAINTIFF** on the date, and via the method of service, identified below:

CM/ECF:

Melissa Palmer
mpalmer@windisability.com
Attorney for Plaintiff

Hal Taylor
haltaylorlawyer@gbis.com
Attorney for Plaintiff

Dated: September 10, 2020

/s/ Allison J. Cheung
ALLISON J. CHEUNG
Special Assistant United States Attorney